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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                           |   |                                       |
|---------------------------|---|---------------------------------------|
| UNITED STATES OF AMERICA, | ) | CR No. 09-1193 MHP                    |
|                           | ) |                                       |
| Plaintiff,                | ) |                                       |
|                           | ) | STIPULATION AND <del>[PROPOSED]</del> |
| v.                        | ) | <u>ORDER EXCLUDING TIME UNDER THE</u> |
|                           | ) | <u>SPEEDY TRIAL ACT FROM MARCH 8,</u> |
| DANIEL A. PESCE,          | ) | 2010 TO APRIL 19, 2010                |
|                           | ) |                                       |
| Defendant.                | ) |                                       |

On March 8, 2010, the parties in this case appeared before the Honorable Marilyn H. Patel for a status appearance. At that time, the parties stipulated that time should be excluded from the Speedy Trial Act calculation from March 8, 2010 to April 19, 2010 for effective preparation of defense counsel. The parties represented that granting the continuance was for the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

The parties also agreed that the ends of justice served by granting such a continuance

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1 outweighed the best interests of the public and the defendants in a speedy trial. See 18 U.S.C. §  
2 3161(h)(7)(A).

3 IT IS SO STIPULATED:

4 JOSEPH P. RUSSONIELLO  
5 United States Attorney

6 DATED: 3/9/10

7 /s/  
ACADIA SENESE  
Special Assistant United States Attorney

8 DATED: 3/9/10

9 /s/  
ELIZABETH FALK  
10 Attorney for Daniel A. Pesce

11 IT IS HEREBY ORDERED that time is excluded under the Speedy Trial Act from March 8,  
12 2010 to April 19, 2010, under 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(iv).

13  
14 IT IS SO ORDERED.

15  
16 DATED: 3/16/2010

